



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Client Services
Representative (C0071W), Bergen
County

Appointment Waiver

CSC Docket No. 2019-3229

(CORRECTED)

ISSUED: JUNE 14, 2019 (BW)

Bergen County requests permission not to make an appointment from the September 17, 2018 certification for Client Services Representative (C0071W).

The record reveals that the appointing authority appointed two individuals provisionally to the subject title, which generated an open-competitive examination announcement with a closing date of January 22, 2018. The resulting eligible list of nine names promulgated on September 13, 2018 and expires on September 12, 2021. The appointing authority took no action to prevent the need for the examination at the time of the announcement or prior to the administration of the examination. On September 17, 2018, the names of nine eligibles were certified to appointing authority from the eligible list. Subsequently, the appointing authority returned the certification and requested an appointment waiver and a waiver of the selection costs.

In requesting an appointment waiver and a waiver of the selection costs, the appointing authority indicated that it removed the provisional employees as they were in the wrong title.¹ It also states that it plans on using the list before it expires on September 12, 2021.

The appointing authority's request for an appointment waiver was acknowledged, and it was advised that if its request were granted, it could be

¹ Both employees were appointed to the title of Program Specialist Community Service effective May 9, 2017 and September 12, 2017, respectively.

assessed for the costs of the selection process in the amount of \$2,048.00. In response, the appointing authority reiterates its arguments.

A review of agency records indicates that there are currently no employees serving in the subject title within the appointing authority.

CONCLUSION

In accordance with *N.J.S.A.* 11A:4-5, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority's request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made by the Civil Service Commission for a valid reason such as fiscal constraints.

In the instant matter, the examination for the subject title was generated based on the appointing authority's appointment of provisional employees. However, after a complete certification was issued, the appointing authority requested an appointment waiver. The appointing authority removed the provisionals as they were in the wrong title. It also indicated that it plans on using the list before it expires on September 12, 2021. Under these circumstances, the appointing authority has presented adequate justification for granting an appointment waiver.

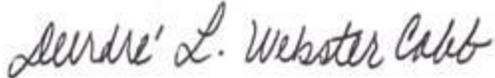
Although the appointment waiver is granted, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent appointment. However, the appointing authority indicates that it may utilize the subject list prior to its expiration date of September 12, 2021. Accordingly, under the particular circumstances of this matter, it would not be appropriate to assess the appointing authority for the costs of the selection process at this time. Nevertheless, in the event the appointing authority fails to utilize the list by its expiration date of September 12, 2021, this matter can be reviewed to ascertain whether an assessment for the costs of the selection process should be made.

ORDER

Therefore, it is ordered that the request for the waiver of appointment be granted and no selection costs presently be assessed.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF JUNE, 2019



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